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# LETTER DATED 3 MARCH 1997 FROM THE PERMANENT REPRESENTATIVE OF THE LIBYAN ARAB JAMAHIRIYA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to enclose herewith the Declaration of the sixty-fifth ordinary session of the Council of Ministers of the Organization of African Unity, which took place at Tripoli from 24 to 28 February 1997, concerning the dispute between the Libyan Arab Jamahiriya and the United States of America, the United Kingdom of Great Britain and Northern Ireland and France.

I should be most grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Mohamed A. AZWAI
Permanent Representative of
the Libyan Arab Jamahiriya
to the United Nations

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Annex

[Original: Arabic and English]

Declaration of the sixty-fifth ordinary session of the Council of Ministers of the Organization of African Unity on the dispute between the Libyan Arab Jamahiriya and the United States of America, the United Kingdom of Great Britain and Northern Ireland and France

1. The Council of Ministers of the Organization of African Unity, meeting in its sixty-fifth ordinary session, at Tripoli, from 24 to 28 February 1997, exhaustively discussed the dispute between the Libyan Arab Jamahiriya on the one hand, and the United States of America, the United Kingdom of Great Britain and Northern Ireland and France, on the other. In examining this problem, the Council of Ministers was guided by the principles enshrined in the Charters of the United Nations and the Organization of African Unity (OAU), respectively, requiring Member States to settle their differences by peaceful means, through dialogue, negotiation and legal procedures, and to respect the independence of all Member States and refrain from any threats to their sovereignty and territorial integrity and the security of their nationals.

2. After considering the reports of the Secretary-General and the OAU Ministerial Committee on the dispute, the Council of Ministers once more took note of the fact that the Libyan Arab Jamahiriya had fully met the requirements demanded by the Security Council in its resolution 731 (1992). As a matter of fact, Libya had unequivocally condemned terrorism in all its forms, as well as all those perpetrating or encouraging it, and had made clear its readiness to give all necessary cooperation to the international community with a view to eradicating that heinous phenomenon. However, Libya had found it impossible to extradite its two nationals allegedly implicated in the bombing over Lockerbie in 1988.

3. The Council of Ministers, whose delegations have been living witnesses to the suffering of the people of Libya caused by the embargo imposed on the country in application of Security Council resolutions 748 (1992) and 883 (1993), expresses its deep concern at the human and material deprivations to which the Libyan people have been subjected. The Council of Ministers wishes to emphasize that these obnoxious sanctions affect not only the Libyan people, but also the neighbouring countries, as well as African workers from other countries of the continent.

4. The Council of Ministers has been informed once again that the Libyan Arab Jamahiriya is willing to cooperate fully in any regional or international effort aimed at resolving the crisis. In this connection, the Council of Ministers takes note of the fact that the Government of Libya has accepted the initiative of the League of Arab States, supported by OAU, the Movement of Non-Aligned Countries and the Organization of the Islamic Conference, to the effect that the two Libyan suspects be given a just and fair trial by Scottish judges and according to Scottish law at the headquarters of the International Court of Justice. The Council of Ministers remains convinced that this initiative, if

accepted, constitutes a practical solution and should guarantee a just and fair trial whereby the interests of the concerned parties would be taken into account. Indeed, the objective of resolution 731 (1992) is not to violate the sovereignty of Libya but rather to serve the cause of justice and reveal the truth. The Council of Ministers strongly deplores the fact that the three concerned Western countries have thus far shown indifference to the initiatives presented to them with a view to a just and equitable solution to the crisis. This has led to an impasse and, as a result, kept the entire people of Libya hostage for five years.

5. In its search for a just and urgent solution to the conflict, in close cooperation with the League of Arab States, the Council of Ministers strongly recommends that the Security Council consider the ways and means for a rapid resolution of the crisis, and to this end, submits for consideration the following recommendations adopted jointly with the League of Arab States:

Option 1 Hold the trial of the two suspects in a third and neutral country to be determined by the Security Council.

Option 2 Have the two suspects tried by Scottish judges at the International Court of Justice (ICJ) at The Hague, in accordance with Scottish law.

Option 3 Establish a special criminal tribunal at ICJ headquarters at The Hague to try the two suspects.

6. The Council of Ministers calls on the Security Council to accept one of the proposed options, thereby facilitating the speedy and definitive resolution of the dispute. In the same vein, the Council of Ministers appeals to the Security Council to lift the sanctions imposed on the Libyan Arab Jamahiriya. This has become even more imperative as the sanctions are having an increasingly devastating effect on the people of Libya, as well as on the country's economy. In this connection, the Council of Ministers wishes to reiterate its position expressed at its sixty-fourth ordinary session, held at Yaoundé from 1 to 6 July to the effect that continued imposition of sanctions might lead African countries to devise other means of sparing the Libyan people future suffering. In this respect, the Council of Ministers mandates the Secretary-General of OAU to prepare a practical plan of action to be considered for implementation, on the occasion of the thirty-third ordinary session of the Assembly of the Heads of State and Government of OAU, to be held at Harare in June 1997.

7. The Council of Ministers commends the efforts made by the two Committees set up by OAU and by the League of Arab States on the dispute and encourages them to continue to coordinate their efforts and initiatives to find a just and peaceful solution to the crisis.

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